

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KYLE J. JOHNSON,)	
)	
Petitioner,)	Case No. 1:11-cv-94-SJM-SPB
)	
v.)	
)	
SUPERINTENDENT BRIAN V. COLEMAN,)	
<i>et al.</i> ,)	
)	
Respondent.)	

MEMORANDUM ORDER

The instant petition for writ of habeas corpus was received by the Clerk of Court on April 21, 2011 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Report and Recommendation, filed on May 16, 2011 [3], recommends that the Petitioner's motion for leave to proceed *in forma pauperis* [2] be denied. Petitioner was allowed fourteen (14) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at SCI Fayette, where he is currently incarcerated. No objections to the Report and Recommendation have been filed as of this date. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 23rd day of June, 2011;

IT IS ORDERED that the Petitioner's Motion for Leave to Proceed *In Forma Pauperis* [2] be, and hereby is, DENIED.

IT IS FURTHER ORDERED that Plaintiff shall pay the required filing fee within fourteen days (14) from the date of this Order. Failure to do so may result in the dismissal of this case.

The Report and Recommendation of Magistrate Judge Baxter, filed on May 16, 2011 [3], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: Kyle J. Johnson
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SCI Fayette
P.O. BOX 9999
Labelle, PA 15450-0999

U.S. Magistrate Judge Susan Paradise Baxter